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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,465	02/04/2004	Kenji Ogasawara	325772034000	1347
7590 01/16/2009				
Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Boulevard, Suite 300 McLean, VA 22102			EXAMINER MILLA, MARK R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/770,465

**Applicant(s)**

OGASAWARA, KENJI

**Examiner**

Mark R. Milia

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/31/08 has been entered. Currently, claims 1, 3-6, 8-11, and 13-15 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 12/31/08 have been fully considered but they are not persuasive.

Applicant asserts that Murahashi (US 5,864,652) fails to teach "when said process does not execute any of a plurality of predetermined processes or executed a predetermined combination of one or more processes selected from said plurality of predetermined processes." The examiner respectfully disagrees as Murahashi does disclose such a feature. Particularly, Murahashi discloses a system that compresses and stores print image data for later use or reuse. The initial printing of the image data is carried out in parallel with the compression of the same image data, this is performed

on a per scan line basis (column 6 lines 23-61). Murahashi further states that CPU2 monitors received data to be printed and judges whether sufficient print instruction data has been received, essentially one page, and if sufficient print instruction data is received then CPU1 is informed and initializes the compression/expansion processor 50 (column 6 lines 4-15). The print instruction data is data that has been received from a host device and stored in input buffer 20 of memory array 22, which is analogous to spooling the data, and when CPU2 received the print instruction data it parses the data to generate, on a pixel-by-pixel basis, print image data and stores this data in page memory 38 of memory array 36 (column 5 line 44-column6 line 3). After receiving sufficient print data and upon initialization, one scan line at a time is processed to be printed and compressed and stored, the printing and compression and storage being performed simultaneously. Thus, Murahashi shows that a compression process execution condition is met when predetermined processes are executed, the processes being spooling image data, rasterizing spooled image data, and printing of the image data, which is what is recited in the currently amended claims 1, 6, and 11.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are drawn to a

software procedure evidenced by claims 11 and 13-15 which claim an image processing program for executing the processing set forth in corresponding device and method claims 1, 3-6, and 8-10. Computer programs per se are non-statutory subject matter and therefore not patentable.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murahashi (US 5,864,652).

Regarding claims 1, 6, and 11, Murahashi discloses an image processing device, method, and program comprising: a processing unit configured to process image data (see Figs. 1 **14** and column 3 line 55-column 4 line 10 and column 6 lines 5-15), a judging unit configured to monitor an operating status of said processing unit to judge whether said operating status satisfies a predetermined compression process execution condition (see column 5 lines 6-43 and column 6 lines 4-15 and 24-61, Murahashi states that CPU2 monitors received data to be printed and judges whether sufficient print instruction data has been received, essentially one page, and if sufficient print instruction data is received then CPU1 is informed and initializes the compression/expansion processor **50**), a compression unit configured to compress image data processed by said processing unit when said judging unit judges that

operating status of said processing unit satisfies said compression process execution condition (see column 5 lines 6-43 and column 6 lines 4-61, compression/expansion processor **50**), wherein said judging unit is configured to judge said compression process execution condition as being satisfied when said processor does not execute any of a plurality of predetermined processes or executed a predetermined combination of one or more processes selected from said plurality of predetermined processes, said plurality of predetermined processes comprising spooling image data, rasterizing spooled image data, printing, compressing image data, and expanding image data (see column 6 lines 4-61, Murahashi states that CPU2 monitors received data to be printed and judges whether sufficient print instruction data has been received, essentially one page, and if sufficient print instruction data is received then CPU1 is informed and initializes the compression/expansion processor **50**. The print instruction data is data that has been received from a host device and stored in input buffer **20** of memory array **22**, which is analogous to spooling the data, and when CPU2 received the print instruction data it parses the data to generate, on a pixel-by-pixel basis, print image data and stores this data in page memory **38** of memory array **36**. After receiving sufficient print data and upon initialization, one scan line at a time is processed to be printed and compressed and stored, the printing and compression and storage being performed simultaneously. Thus, Murahashi shows that a compression process execution condition is met when predetermined processes are executed, the processes being spooling image data, rasterizing spooled image data, and printing of the image data).

Murahashi does not disclose expressly a single processor that comprises a processing unit and a compression unit.

However, Murahashi discloses that microcomputer system **14** contains a **CPU1** for compression and storage of data and **CPU2** for processing image data. Therefore the processing unit and compression unit are contained within a single microcomputer which is analogous to the claimed limitation as it serves the same purpose and function. Further, the newly added limitations fail to render the instant invention patentably distinct over the prior art (Murahashi), as it is merely a case of making integral, and at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the **CPU1** and **CPU2** into a single processor because it would be more cost efficient to manufacture and reduce the amount of space need for the processing to be performed. See *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Regarding claims 3, 8, and 13, Murahashi further discloses a memory unit configured to store image data compressed by said compression unit (see Fig. 1 and column 7 lines 6-18), and an expansion unit configured to expand image data stored in said memory unit when reprocessing image data by means of said processing unit (see column 7 lines 19-61 and column 8 lines 10-16), wherein said processing unit reprocesses the image data expanded by said expansion unit (see column 7 lines 19-61).

Regarding claims 4, 9, and 14, Murahashi further discloses a spooling unit configured to spool image data (see column 9 lines 28-33), a rasterizing unit configured

to rasterize image data spooled by said spooling unit (see column 9 lines 33-36), and an image forming unit configured to image-form the image data rasterized by said rasterizing unit (see column 9 lines 40-66).

Regarding claims 5, 10 , and 15, Murahashi further discloses a spooling unit configured to spool image data (see column 9 lines 28-33), a rasterizing unit configured to rasterize image data spooled by said spooling unit (see column 9 lines 33-36), and a transmitting unit configured to transmit the image data rasterized by said rasterizing unit (see column9 lines 40-66).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

/Mark R. Milia/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625